THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 9575 OF 2006

DATED: 21.7.2006

Between:

Smt.Savita Bai

… Petitioner

and

The Project Director, Special Collector, Outer Ring Road Project, Hyderabd and another

… Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9575 OF 2006

ORAL ORDER:

The petitioner's lands have been acquired after a due procedural process under the provisions of the Land Acquisition Act,1894(for short "the Act") though initially without recording the petitioner's name in the column relating to the owners of the lands in question, either in the draft notification under Sec.4(1) of the Act or in the draft declaration under Sec.6 of the Act. Later however realizing the error, in the award enquiry, notice under Sec.9 of the Act was issued to the petitioner. The petitioner did not chose to respond and an award was passed on 15-04-2006. The petitioner protested against the passing of the award on the ground that initially her name was not disclosed while issuing the notification

under Sec.4(1) of the Act. The notice under Sec.12(2) of the Act was issued on 18-04-2006.

The learned counsel for the petitioner strenuously contends that the omission to publish the petitioner's name in the ownership column in the draft notification vitiates the acquisition notification. Such is not the law since an award has now been passed, the acquisition is not liable to be invalidated on the ground that some errors have occurred in the publication of the draft notification particularly when the error is in the omission to state the name of the owner of the property correctly. The survey number and the village have been correctly stated.

As the petitioner has filed this writ petition challenging the notice issued under Sec.12(2) of the Act for calling the petitioner to receive the amount of compensation determined in the award and as the petitioner now desires to pursue her appropriate remedies under Sec.18 of the Act seeking a reference, the petitioner is at liberty to file an application within ten(10) days from today seeking a reference under Sec.18 of the Act. On such application being filed and within the aforesaid time,

the same shall not be refused on the ground that it is beyond the time prescribed, since her writ petition challenging the notice under Sec.12(2) of the Act was pending, this writ petition. The respondents are further directed, to forthwith on the petitioner making an application under Sec.18 of the Act, to make refer her objections to the civil Court under Sec.18 of the Act.

The writ petition is disposed of as above after hearing the learned Special Standing Counsel for the respondents-Sri Rajagopala Rao and the learned counsel for the petitioner. No order as to costs.

GODA RAGHURAM, J

Date: 21.7.2006

***TSNR**